

Notice of Allowability

Application No.

09/875,949

Examiner

Tung S Lau

Applicant(s)

LAUKS, IMANTS R.

Art Unit

2863

-- **Th MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5-13-2004.
2. ☒ The allowed claim(s) is/are 1-31.
3. ☒ The drawings filed on 08 June 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>8-24-2001</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Dilip Andrare on June 11, 2004.

The application has been amended as follows:

Replace the entire claim 21 with:

21. (amended) A card reader for use in a point-of-care blood measurement system for performing in-vitro diagnostic chemical analysis of a [sample] sample including a diagnostic card reader [for receiving a raw sensory signal from a diagnostic card exposed to the sample and for providing an analog sensory signal directly related to the raw sensory signal, the raw sensory signal being dependent on a concentration of a chemical in the sample], a data acquisition circuit for converting an amplified analog sensory signal output by the card reader into a digital sensory signal, and a general-purpose computer separate and distinct from the diagnostic card reader for receiving and analyzing the digital sensory signal and producing an analysis result output [representative of the chemical species concentration in the sample], the card reader comprising:
a housing;

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a connector for engaging a diagnostic card exposed to a sample and for receiving a raw sensory signal from the diagnostic card for providing an analog sensory signal directly related to the raw sensory signal, the raw sensory signal being dependent on a concentration of a chemical species in the sample; a signal conversion circuit for converting the analog [raw] sensory signal [received by the connector] into a digital sensory signal directly related to the raw sensory signal; and a transmitter for wireless digital communication with the general-purpose computer for receiving the digital sensory signal from signal conversion circuit and transmitting the digital sensory signal to the computer.

Replace the entire claim 27 with:

27. (amended) A card for use in a point-of-care blood measurement system for performing in-vitro diagnostic chemical analysis of a [sample] sample including a diagnostic card reader [for receiving a raw sensory signal from a diagnostic card exposed to the sample and for generating a digital sensory signal directly related to the raw sensory signal, the raw sensory signal being dependent on a concentration of a chemical species in the sample]; and a general-purpose computer separate and distinct from the diagnostic card reader for receiving and analyzing the digital sensory and producing an analysis result output [representative of the species concentration in the sample], the card reader comprising:
a housing;

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a connector for engaging a diagnostic card exposed to a sample and receiving [the] a raw sensory signal from the diagnostic card for providing an analog sensory signal directly related to the raw sensory signal, the raw sensory signal being dependent on a concentration of a chemical species in the sample; a signal conversion circuit for converting the analog [raw] sensory signal [received by the connector] into a digital sensory signal directly related to the raw sensory signal;

and a transmitter for communication with the general-purpose computer, the transmitter being constructed for receiving the digital signal from the signal conversion circuit and producing a transmittable digital output signal for transmission to the computer through one of a wired connection and a wireless connection.

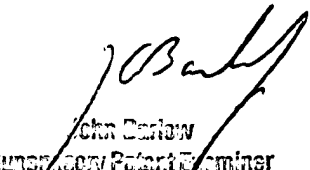
Amendments to claims 21 and 27 were made to define over the applied prior art.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 571-272-2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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John Carlisle
Supervisory Patent Examiner
Technology Center 2800